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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,906	02/11/2004	Rens Hansort	092301-9013 US001	3072
23510	7590	07/13/2004	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP ONE SOUTH PINCKNEY STREET P O BOX 1806 MADISON, WI 53701			VARNER, STEVE M	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,906

Applicant(s)

HANSORT, RENS

Examiner

Steve M Varner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Fig 1/2 Scott

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9, 11-19, 24, are rejected under 35 U.S.C. 102(b) as being anticipated by Scott.

See Fig. 2, 3, attached.

Regarding claim 1, Scott shows a bar (26) having a first end (A), a second end (B) positioned adjacent the first end, and an intermediate portion curved to at least partially define an aperture (22) and a stem (2) having a first end (C) coupled to the first end and the second end of the bar, and a second end (D) coupled to a foot (to left of D) (Fig. 2, 3).

Regarding claim 2, Scott shows the bar, the stem and the foot are integrally formed (Fig. 2, 3).

Regarding claim 3, Scott shows the bar further comprises a first flat side (E) and a second flat side (F) defined in an outer portion of the bar (Fig. 2, 3).

Regarding claim 4, Scott shows the first flat side is positioned opposite the second flat side with respect to the aperture (Fig. 2).

Regarding claim 5, Scott shows the first flat side and the second flat side are oriented substantially vertically (if Fig. 2 was rotated 90 degrees) (Fig. 2).

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Regarding claim 9, Scott shows the aperture is further defined by the upper end of the stem (Fig. 2).

Regarding claim 11, Scott shows the aperture comprises at least one of an attachment aperture, a reinforcement bar aperture, a shear plate aperture, passthrough aperture, and a combination thereof (Fig. 2).

Regarding claim 12, Scott shows the foot is substantially frustoconical (Fig. 2).

Regarding claim 13, Scott shows the stem is substantially cylindrical (Fig. 2).

Regarding claim 14, Scott shows a ring-shaped bar (26) at least partially defining an aperture (22) therethrough, the ring-shaped bar having a first end (A), and a second end (B) positioned adjacent the first end; and a foot (2) coupled to the first end and the second end of the ring-shaped bar (Fig. 2).

Regarding claim 15, Scott shows a stem (2) having a first end (C) and a second end (D), the first end of the stem being coupled to the first end of the ring-shaped bar and the second end of the ring-shaped bar, and the second end of the stem being coupled to the foot (to left of D) (Fig. 2).

Regarding claim 16, Scott shows the aperture is further defined by the first end of the stem (Fig. 2).

Regarding claim 17, Scott shows the ring-shaped bar further comprises a first flat side (E) defined in an outer portion of the ring-shaped bar, and a second flat side (F) defined in an outer portion of the ring-shaped bar (Fig. 2).

Regarding claim 18, Scott shows the first flat side and the second flat side are positioned opposite one another with respect to the aperture (Fig. 2).

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Regarding claim 19, Scott shows the first flat side and the second flat side are oriented substantially vertically (if Fig. 2 is rotated 90 degrees) (Fig. 2).

Regarding claim 24, Scott shows the aperture as an attachment aperture, a passthrough aperture, a reinforcement bar aperture, a shear plate aperture, and a combination thereof (Fig. 2).

Method claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Haeussler.

Regarding method claim 25, Haeusler shows coupling at least one void former to the concrete anchor, coupling the concrete anchor assembly to a frame, pouring concrete into the frame to at least partially cover the concrete anchor assembly, allowing the concrete, removing the at least one void former from the concrete anchor assembly, and removing the hardened concrete from the frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 10, 20-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott.

Regarding claim 6, Applicant fails to show criticality for a first indentation, the first indentation being located on an inner portion of the bar, opposite the first flat side, and a second indentation, the second indentation being located on an inner portion of the bar,

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opposite the second flat side; therefore, it would have been an obvious design choice to have indentations in these locations.

Regarding claim 7, Applicant fails to show criticality for the first indentation and the second indentation; therefore, it would have been an obvious design choice to have indentations, which would further define the aperture.

Regarding claim 8, Scott shows the aperture has a vertical height, and wherein the first flat side, the second flat side are positioned generally centrally with respect to the vertical height of the aperture (Fig. 2). Applicant fails to show criticality for the first indentation and the second indentation positioned generally centrally with respect to the vertical height of aperture; therefore, it would have been an obvious design choice for the indentations to be positioned generally centrally with respect to the vertical height of the aperture.

Regarding claim 10, Applicant does not show criticality for the aperture is substantially curved adjacent the intermediate portion of the bar and substantially flat adjacent the upper end of the stem; therefore, it would have been an obvious design choice for the aperture substantially curved adjacent the intermediate portion of the bar and substantially flat adjacent the upper end of the stem. .

Regarding claim 20, Applicant fails to show criticality for a first indentation defined in an inner portion of the ring-shaped bar to further define the aperture, and a second indentation defined in the inner portion of the ring-shaped bar to further define the aperture; therefore, it would have been a matter of obvious design choice.

Regarding claim 21, Applicant fails to show criticality for the first indentation and the second indentation are positioned opposite one another with respect to the aperture; therefore, it would have been a matter of obvious design choice to position the first and second indentation opposite one another.

Regarding claim 22, Applicant fails to show criticality for the first indentation and the second indentation are positioned substantially centrally with respect to the vertical height of the aperture, therefore, it would be an obvious design choice to have the first and second indentations positioned substantially centrally.

Regarding claim 23, Scott shows a first flat side (E) defined in an outer portion of the ring-shaped bar (26), and a second flat side (F) defined in the outer portion of the ring-shaped bar (26). Applicant fails to show criticality for the first flat side adjacent the first indentation and a second flat side adjacent the second indentation; therefore, it would have been a matter of obvious design choice to have the indentations adjacent to the flat sides.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lynch et al. shows coupling eye for window operator. Lancelot, III et al. shows erection anchor for concrete panel.

Conclusion

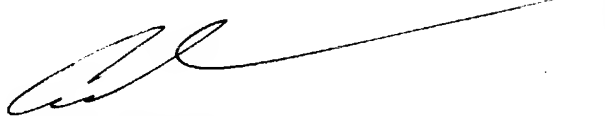
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SV



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

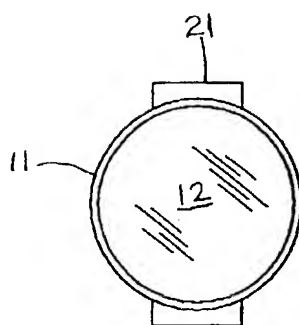


Fig. 1

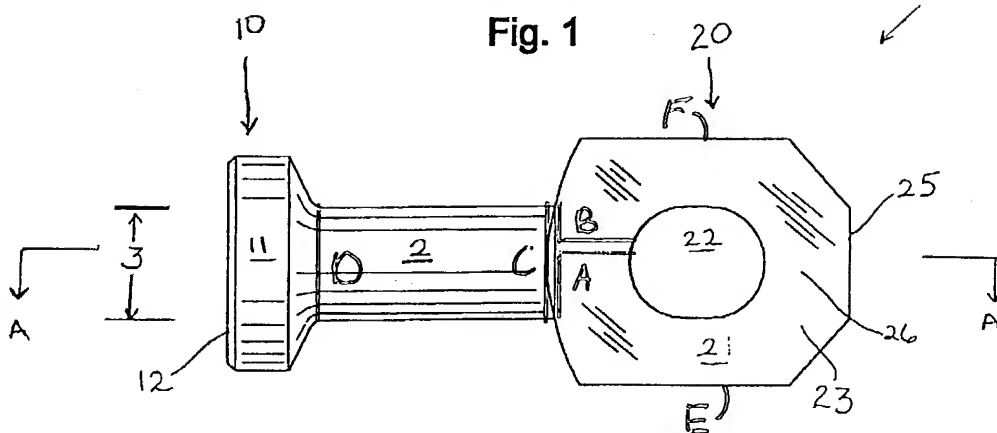


Fig. 2

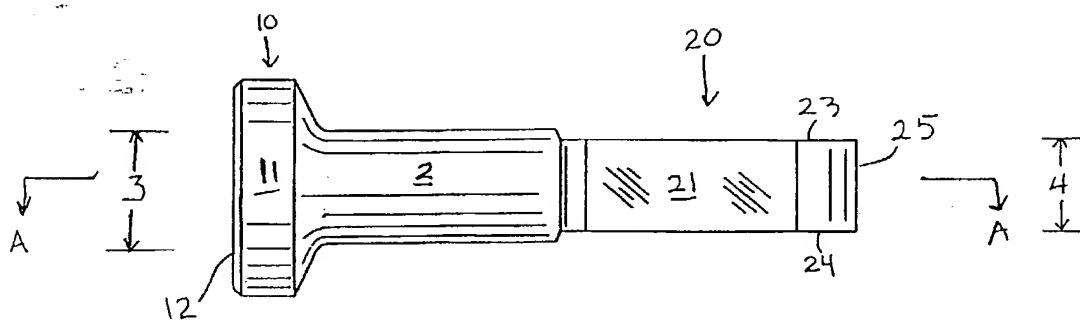


Fig. 3